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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Arch Wireless License Co., LLC	)	File No. EB-03-PA-136
	)	
Westborough, Massachusetts	)	NOV No. V200332400004
	)	
Attention: Joseph Mullin	)	

**NOTICE OF VIOLATION**

**Released: October 9, 2003**

By the District Director, Philadelphia Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Arch Wireless License Co., LLC ("Arch").

2. On September 17, 2003, an agent of the Commission's Philadelphia Office inspected radio station KNKD379 and observed the following violations:

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part." Arch operated a radio transmitter on the frequency 931.8625 MHz at the unauthorized location of the Regency Towers, 1001 Easton Road, Route 611, Willow Grove, Pennsylvania 19090.
- b. 47 C.F.R. § 90.210(i)(3): "For transmitters that are equipped with an audio low pass filter pursuant to Section 90.211(a), the power of any emissions must be attenuated below the unmodulated carrier power of the transmitter (P) as follows: On any frequency removed from the center of the authorized bandwidth by a displacement frequency of more than 15 kHz: at least 43 + log (P) dB, or 70 dB, whichever is the lesser attenuation." Arch operated a radio transmitter on the frequency 931.8625 MHz in Bally, Pennsylvania near the coordinates 40-26-41 N by 075-24-53 W. This radio transmitter generated a spurious emission that drifted between 822.5 MHz and 823.3 MHz and caused harmful interference to the Bethlehem Police Department.

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<sup>1</sup> 47 C.F.R. § 1.89.

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The spurious emission was attenuated only 58 dB below the unmodulated carrier power of the transmitter.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Arch Wireless License Co., LLC, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific actions taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective actions. The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Arch Wireless License Co., LLC, 1800 West Park Drive, Suite 250, Westborough, Massachusetts 01581.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

John E. Rahtes  
District Director  
Philadelphia Office

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<sup>2</sup> 47 U.S.C. § 308(b).

<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*